

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THE COALITION FOR EQUITY AND
EXCELLENCE IN MARYLAND HIGHER
EDUCATION, INC., ET AL.

v.

MARYLAND HIGHER EDUCATION
COMMISSION, ET AL.

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: CIVIL NO. CCB-06-2773
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ORDER

For the reasons and as more fully stated on the record in open court following a motions hearing, it is hereby **ORDERED** that:

1. the defendants' Motion in Limine regarding plaintiffs' historical evidence (ECF No. 222) is **Denied**, provided that plaintiffs show the relevance of the specific portions of the documents they will rely on at trial;
2. the plaintiffs' Motion in Limine to preclude testimony and exhibits (ECF No. 223) is **Granted in part** and **Denied in part** as follows:
 - a. the motion is **Denied** as to the 16 witnesses at issue listed by the state (similarly, the plaintiffs will be permitted to call the two successor presidents identified at the hearing);
 - b. regarding documents, the request to exclude late-produced program files is **Denied without prejudice** at this time; a decision will be made on individual documents as sought to be introduced by either side at trial;

- c. also as to documents, the motion to exclude defendants' Exhibit 25(f) (spreadsheet) is **Denied**;
 - d. as to exhibits, the supplemental objections filed by defendants on December 12, 2011 (ECF No. 273) are **Stricken**, and counsel are urged to cooperate in reaching greater agreement as to the admissibility of exhibits (preserving objections as to relevance but minimizing objections based on authenticity or hearsay);
3. plaintiffs' Motion for Reconsideration (ECF No. 250) is **Denied**; the court's order on summary judgment is clarified, however, to the extent that limited evidence regarding capital funding and construction may be admitted as shown to be relevant to the other issues that remain in the case; and
4. confirming agreements reached between counsel, it is the court's understanding that proposed findings of fact and conclusions of law will be submitted after the trial is concluded; 48 hours advance notice will be provided, absent unforeseen circumstances, as to the order of trial witnesses; and counsel will monitor among themselves the use of time allocated for trial to insure as equal a division as possible.

Trial is scheduled to begin at **10:00 a.m. on January 3, 2012**, in Courtroom 7D with opening statements not to exceed one and a half hours per side.

Date: December 14, 2011

/s/
Catherine C. Blake
United States District Judge